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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,456

Applicant(s)

PAYNE, PATRICK

Examiner

EDWARD J. KIM

Art Unit

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on 01/28/2009.
2. Claims 1-14 are pending in this office action. Claims 1, 4, 5, and 12 have been amended. Claims 13-14 have been newly added.

Response to Amendment

3. The Examiner withdraws previous 35 USC 112 rejections.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5, 6, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (US 2001/0012281 A1), hereinafter referred to as Hall, in view of Larkins (US 6,295,291 B1).

Hall discloses a method and system whereby a mobile phone user can select one or more preferences for the mobile phone from a simulated mobile phone display on a web page (see Abstract).

Regarding claim 4, Hall discloses, a method comprising:

transmitting the at least one change to the mobile phone's configuration information to the mobile phone, wherein the mobile phone's configuration is updated with the at least one

change (Abstract ln.1~4, paragraphs [0006], [0016], [0017] – [0019]. Hall teaches that a user can select one or more service preferences for the mobile phone from a web page associated with the mobile phone, and that the mobile phone may be updated automatically without human intervention.),

displaying a second web page on a computer, the second web page displaying the at least one change to the mobile phone's configuration information, the second web page being adapted for display on a computer (Abstract ln.1~4, paragraphs [0016], [0017] – [0019]. Hall teaches that a user can select one or more preferences for the mobile phone from a web page associated with the mobile phone, which includes a simulated display of the phone.).

Regarding the limitations:

displaying a first web page on a mobile phone, the first web page displaying the mobile phone's configuration information, the first web page being further adapted for display on a mobile phone, wherein the configuration information includes at least one setting of a mobile phone communications application; selecting, using the mobile phone, at least one change to the mobile phone's configuration information for transfer to the mobile phone.

Hall discloses a web page wherein the configuration information includes at least one setting of a mobile phone communications application (Abstract ln.1~4, paragraphs [0016], [0017] – [0019]. Hall teaches that a user can select one or more preferences for the mobile phone from a web page associated with the mobile phone, which includes a simulated display of the phone.).

Although Hall fails to *explicitly* disclose the *method of selecting changes to configuration information via the mobile phone*, Hall discloses that it was known at the time the invention was

made that the mobile phones were capable of accessing and navigating through web sites (Hall, paragraph [0005], smartphone). Hall discloses that the invention is suggested to overcome the problem of “inconsistent and inconvenient ways” existing mobile systems access the configuration information and that the existing mobile phone do not provide adequate viewing capabilities when trying to alter the “look and feel” of the mobile phone (Hall, paragraph [0005]). Then Hall further goes on to describe the capabilities of a mobile phone as a “wireless computer with telephone capabilities” (Hall, paragraph [0018]). Also refer to Abstract ln.1~4, paragraphs [0016], [0017] – [0019], where Hall discloses that a user can select one or more preferences for the mobile phone from a web page associated with the mobile phone, which includes a simulated display of the phone.)

Furthermore, Larkins also discloses a system and method of setup of a new subscriber for radiotelephone services via the internet, where the web page is viewable via the radiotelephone (Larkins, col.2 ln.25-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hall with those of Larkins to provide access to a web site via the mobile phone as taught by Larkins. One would have been motivated to do so to allow the user a more enhanced experience of mobility.

Regarding claim 5, Hall discloses, a system for a user to modify a home page associated with a mobile phone, comprising:

an image of said mobile phone and configuration information pertaining to the mobile phone presentable at said home page, wherein the configuration information includes at least one setting of a mobile phone communications application (Hall, Abstract Lines 1~4, paragraphs [0006], [0013]~[0016], [0017] – [0019], Fig. 1, and Claims 12~17); and

said mobile phone having a display for indicating configuration information associated with the mobile phone and an input device for changing the configuration information; wherein when said configuration information is changed on the mobile phone by a mobile phone user, said configuration information pertaining to said home page is correspondingly changed (Abstract ln.1~4, paragraphs [0004]-[0005], [0016], [0017] – [0019]. Hall discloses that configuring the mobile phone directly on the device is already known in the art, and the inconvenience of doing so is presented as a problem that will be solved with the disclosed invention. Hall discloses that a web site associated with the mobile phone and the user allows a more convenient way of changing the configuration of the mobile phone. The web site includes a representation of the mobile phone and its configuration information, and any changes made on the phone directly are synchronized on the web site. As explained above in the rejection of claim 4, Larkins also discloses the use of mobile phones to access web pages.).

Regarding claim 6. Hall disclosed the limitation, as claim in claim 5, and further discloses that the home page is viewable via a computer (Hall, fig.1, Abstract) however fails to explicitly disclose that a home page is viewable via a mobile phone.

Larkins discloses a system and method of setup of a new subscriber for radiotelephone services via the internet, where the web page is viewable via the radiotelephone (Larkins, col.2 ln.25-29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hall to include access to a web site via the mobile phone as taught by Larkins. One would be motivated to do so to allow the user a more enhanced experience of mobility.

Regarding claim 10, Hall disclosed the limitations, as described in claim 5, and further discloses, a system wherein the configuration information pertaining to the mobile phone presentable at said home page is displayed on a portion of the image of the mobile phone (Abstract ln.1~4, paragraphs [0004]-[0005], [0016], [0017] – [0019]).

Regarding claim 11, Hall disclosed the limitations, as described in claim 5, and further discloses, a system wherein said configuration information pertaining to said mobile phone on said home page is correspondingly changed by said mobile phone sending information pertaining to the change to a server, and the server sending the information pertaining to the change to a computer that presents the home page (Abstract ln.1~4, paragraphs [0004]-[0005], [0016], [0017] – [0019]. Hall discloses that configuring the mobile phone directly on the device is already known in the art, and the inconvenience of doing so is presented as a problem that will be solved with the disclosed invention. Hall discloses that a web site associated with the mobile phone and the user allows a more convenient way of changing the configuration of the mobile phone. The web site includes a representation of the mobile phone and its configuration information, and any changes made on the phone directly are updated on the web site. The home page is accessed by the mobile phone and settings are changed. When a user is also accessing the home page via a computer, the user will be able to access the corresponding changes made by the mobile phone. Also, as explained in the rejection of claim 2, Larkins discloses the use of mobile phones to access web pages.).

6. Claims 1, 2, 3, 9, 12, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins (US 6,295,291 B1), in view of Duncan et al. (US 2002/0107002 A1).

Larkins discloses a setup of a new subscriber for radiotelephone service via the internet.

Regarding claim 1, Larkins discloses a method of activating a mobile phone comprising (Larkins, Abstract ln.11, col.3 ln.43. Larkins discloses “an over-the-air activation function” for a radiotelephone. It should be noted that the “radiotelephone” that Larkins refers to is equivalent to the “mobile phone” mentioned by the applicant.):

collecting information associated with the mobile phone and collecting preferences of a user associated with the mobile phone (Larkins, col.4 ln.4-20, col.1 ln.40-44, col.1 ln.45-49. Larkins discloses a process that takes information of a potential subscriber and then programs the radiotelephone with the appropriate data. Collection of information associated with the user is again disclosed by Larkins as well as the collection of information associated with the mobile phone.);

based on said information, preparing a personal home page for said user that is accessible by a computing device and by the mobile phone (Larkins, col.1 ln.31-38, col.2 ln.16-18, col.2 ln.22-29. Larkins discloses the usage of an internet access device to access the world wide web server, where the server provides a web page that displays and makes available a plurality of radiotelephone services and features. It is further disclosed that the “internet access device is a desktop computer running a world wide web access program referred to as a web browser” (col.2 ln.16-18) and that “other brands and types of computers and other web browsers may be used by the present invention” (col.2 ln.22-24). Use of phone as a web browser to access the services is mentioned in the specifications as well (col.2 ln.25-29). Larkins also discloses a system and method of setup of a new subscriber for radiotelephone services via the internet, where the web page is viewable via the radiotelephone (Larkins, col.2 ln.25-29));

transmitting a first message to the mobile phone based on the collected information, the mobile phone message comprising configuration information operative to configure the mobile phone, wherein the configuration information includes at least one setting of a mobile phone communications application (Larkins, col.4 ln.35-col.5 ln.8. Larkins discloses that a message is transmitted to the mobile phone wherein the message includes configuration information such as appropriate internal registers to update various parameters (Larkins, col.5 ln. 1-9).);

Larkins fails to *explicitly* disclose a method of transmitting a second message to said mobile phone providing an address of said personal home page once the mobile phone is configured. Duncan et al. discloses a system for sending text message alerts to users of mobile communications devices. Duncan et al. discloses a messaging system (Duncan et al., paragraphs [0012]~[0051]) wherein a message, which includes the web address of the response web page, is sent to the mobile phone for the purpose of accessing the web page (Duncan et al., paragraphs [0014], [0025], [0031], [0063]). The link of the web address in the message configures the mobile phone in order to access the web page. It would have been obvious for one of ordinary skill in the art at the time of the invention was made to modify the teachings of Larkins with those of Duncan et al. to include a method of sending a message to the mobile phone, including a means to configure the mobile phone to view the home page. One would have been motivated to do so to allow the user to acknowledge (Larkins, col.5 ln.9-19) that the web page has been set-up and allow automatic configuration of the mobile phone to view the web page. It is disclosed by Duncan et al., in paragraphs [0001]-[0011], that such message system allows the user to access information in a more convenient and timely manner. It would have also been obvious to transmit messages in different order, such as sending a message with the link to the web page

after the mobile phone has been configured, as this is a design choice that is chosen by the architect. One would have been motivated to do so, to provide a convenient access to a web page after the configurations has been set, in case the user needs to make further changes.);

receiving a request comprising the address for the home page from the configured mobile phone; and transmitting the personal home page to the configured mobile phone such that when the configured mobile phone receives the personal home page, the configured mobile phone displays the personal home page (Duncan et al., paragraphs [0014], [0025], [0031], [0063]. When a user clicks on the link, embedded in the message to the mobile phone, a request is sent from the mobile phone and the system receives the request, then processes it to provide the user with the home page.).

Regarding claim 2, Larkins disclosed the limitations, as described in claim 1, and further discloses, a method wherein said information includes default information selected by a service provider associated with the mobile phone (Larkins, col.1 ln.45-55. Larkins discloses a system that “receives the registration information from the radiotelephone and looks up the appropriate radiotelephone service profile”).

Regarding claim 3, Larkins disclosed the limitations, as described in claim 1, and further discloses, a method wherein the mobile phone is not initially configured to be able to view web pages and wherein the method further comprises configuring said mobile phone to be able to view web pages based on said configuration information (Larkins, col.2 ln.25-29, col.4. ln.4 - col.5 ln.19. Larkins discloses that the phone needs to be authenticated, after being configured with information provided, in order to enjoy the services available such as viewing a web page.).

Regarding claim 9, Larkins disclosed the limitations, as described in claim 1, and further discloses a method wherein the first message includes configuration information operative to configure the mobile phone to view an application indicated on the personal home page, and wherein the configured mobile phone uses the configuration information to interact with the application indicated on the personal home page (Larkins, col.5 ln.9-19. Larkins discloses that an acknowledgement message is sent to the telephone indicating that information has been received and that various parameters have been updated, which allows the phone to be authenticated for services provided by the service providers.).

Regarding claim 12, Larkins discloses a method comprising:
receiving, over a first network, user profile and preferences data for a mobile phone, wherein the mobile phone is to be used to access a second network through a service provider; storing the user profile and preferences data on a database; transmitting, over the second network, at least some of the user profile and preferences data to the service provider, wherein the service provider uses the data to configure the mobile phone when it is activated (Larkins, col.4 ln.4-67, col.1 ln.40-44, col.1 ln.45-49. Larkins discloses a process that takes information of a potential subscriber and then programs the radiotelephone with the appropriate data. Collection of information associated with the user is again disclosed by Larkins as well as the collection of information associated with the mobile phone. Use of phone as a web browser to access the services is mentioned in the specifications as well. (col.2 ln.25-29). Larkins discloses access to two different networks: computer network (such as the Internet) and mobile phone network);

dynamically generating a web page, wherein the web page displays the user profile and preferences data stored on the database, and wherein the web page is capable of being displayed on the mobile phone or on a computing device; receiving, over the second network, a request to display the web page on the mobile phone; sending, over the second network, the web page to the mobile phone; receiving, over the second network, at least one change to the user profile and preferences data displayed on the web page; updating the user profile and preferences data on the database to reflect the at least one change; and dynamically regenerating the web page to reflect the at least one change to the user profile and preferences data (Larkins, col.1 ln.31-38, col.2 ln.16-18, col.2 ln.22-29, col.4 ln.4-20. Larkins discloses the usage of an internet access device to access the world wide web server, where the server provides a web page that displays and makes available a plurality of radiotelephone services and features. It is further disclosed that the “internet access device is a desktop computer running a world wide web access program referred to as a web browser” (col.2 ln.16-18) and that “other brands and types of computers and other web browsers may be used by the present invention” (col.2 ln.22-24). Use of phone as a web browser to access the services is mentioned in the specifications as well. (col.2 ln.25-29). The changes made are reflected on the mobile phone.);

Larkins fails to *explicitly* disclose transmitting messages to the mobile phone. Duncan et al. discloses a system for sending text message alerts to users of mobile communications devices. Duncan et al. discloses a messaging system (Duncan et al., paragraphs [0012]–[0051]) wherein a message, which includes the web address of the response web page, is sent to the mobile phone for the purpose of accessing the web page (Duncan et al., paragraphs [0014], [0025], [0031],

[0063]). The link of the web address in the message configures the mobile phone in order to access the web page.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Larkins with those of Duncan to implement a method comprising; receiving a message from the service provider over the second network that the mobile phone has been activated; transmitting, over the second network, a message to the mobile phone indicating that the mobile phone is active, the message further comprising an address for the web page. One would have been motivated to do so to allow the user to acknowledge (Larkins, col.5 ln.9-19) that the web page has been set-up and allow automatic configuration of the mobile phone to view the web page. It is disclosed by Duncan et al., in paragraphs [0001]-[0011], that such message system allows the user to access information in a more convenient and timely manner. It would have also been obvious to transmit messages in different order, such as sending a message with the link to the web page after the mobile phone has been configured, as this is a design choice that is chosen by the architect. One would have been motivated to do so, to provide a convenient access to a web page after the configurations has been set, in case the user needs to make further changes.

Regarding claim 13, Larkins disclosed the limitations, as described in claim 1, and further discloses wherein the at least one setting of a mobile phone communications application comprises of a communications setting (Larkins, col.4 ln.35-col.5 ln.8. Larkins discloses that a message is transmitted to the mobile phone wherein the message includes configuration information such as appropriate internal registers to update various parameters (Larkins, col.5 ln.1-9).).

Regarding claim 14, Larkins disclosed the limitations, as described in claim 1, and further discloses wherein the communication setting includes at least one of Automatic Number Identification settings; Domain Name Server settings, Multimedia Message Service settings, Short Message Service settings, Wireless Access Protocol settings, e-mail settings, photo sharing settings, tribe settings, game settings, contact service settings, data communication account settings, connection type settings, and password settings (Larkins, fig.5, col.4 ln.35-col.5 ln.8. Larkins discloses that a message is transmitted to the mobile phone wherein the message includes configuration information such as appropriate internal registers to update various parameters (Larkins, col.5 ln.1-9)).

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins (US 6,295,291 B1), in view of Duncan et al. (US 2002/0107002 A1), hereinafter referred to as Duncan, and in further view of Hall et al. (US 2001/0012281 A1), hereinafter referred to as Hall.

Regarding claim 7, Larkins disclosed the limitations, as described in claim 1, and further discloses a method wherein the personal home page includes the configuration information, and wherein the first message includes configuration information operative to configure the mobile phone to synchronize with information associated with the personal home page such that when changes are made to the personal home page, configuration information is automatically changed on the mobile phone (Larkins discloses the setup of new subscriber for radiotelephone services via the internet, however, fails to explicitly disclose a method of sending a message, which includes configuration information.).

Duncan discloses a system for sending text message alerts to users of mobile communications devices. The message disclosed by Duncan in the messaging system (Duncan, paragraphs [0012]-[0051]) includes the web address of the response web page (Duncan et al., paragraphs [0014], [0025], [0031], [0063]), wherein the link of the web address configures the mobile phone in order to access the web page, as claimed in claim 1.

It is disclosed by Larkins that after the various parameters of the mobile phone have been updated, acknowledgement messages are exchanged between the mobile phone and the web server that hosts the web page (Larkins, col.5 ln.9-19), acknowledging that the web server and the mobile phone has been synchronized. However, Larkins fails to explicitly teach that the configuration information is displayed in the web site and that the synchronization is done automatically.

Hall discloses a method and system where a user can select one or more service preferences for the mobile phone from a simulated mobile phone display on a web page. Hall teaches that a user can select one or more service preferences for the mobile phone from a web page associated with the mobile phone, and that the mobile phone may be updated automatically without human intervention (Abstract ln.1~4, paragraphs [0016], [0017] – [0019]). Also an image of the mobile phone and configuration information pertaining to the mobile phone is presented at the web page (Abstract Lines 1~4, paragraphs [0006], [0013]~[0016], Fig. 1, and claims 12~17)

It would have been obvious for one of ordinary skill in the art to modify the teachings of Larkins to include the exchange of messages including configuration information for synchronizing the web page and the mobile phone automatically and to display the configuration

information on the web page, as taught by Duncan and Hall. One would have been motivated to do so, to allow the user to access information in a more convenient and timely manner via the internet.

Regarding claim 8, Larkins disclosed the limitations, as claimed in claim 1, and further discloses that after the various parameters of the mobile phone have been updated, acknowledgement messages are exchanged between the mobile phone and the web server that hosts the web page (Larkins, col.5 ln.9-19), acknowledging that the web server and the mobile phone has been synchronized. However, Larkins fails to explicitly teach that the configuration information is displayed in the web site and that the synchronization is done automatically.

Hall discloses a method and system where a user can select one or more service preferences for the mobile phone from a simulated mobile phone display on a web page. Hall teaches that a user can select one or more service preferences for the mobile phone from a web page associated with the mobile phone, and that the mobile phone may be updated automatically without human intervention (Abstract ln.1~4, paragraphs [0016], [0017] – [0019]). Also an image of the mobile phone and configuration information pertaining to the mobile phone is presented at the web page (Abstract Lines 1~4, paragraphs [0006], [0013]~[0016], Fig. 1, and claims 12~17).

It would have been obvious for one of ordinary skill in the art to modify the teachings of Larkins and Duncan to include the exchange of messages including configuration information for synchronizing the web page and the mobile phone automatically and to display the configuration information on the web page, as taught by Duncan and Hall. One would have been motivated to

do so, to allow the user to access information in a more convenient and timely manner via the internet).

Response to Arguments

8. Applicant's arguments filed on 01/28/2009 have been fully considered but they are not persuasive.

The Applicant argues,

"In describing a method for turning display features on and off again, Hall merely discloses a web page that includes a virtual display which simulates the display of a real mobile phone so that an user may configure the phone's display to show a feature, such as a clock, calendar, and/or a calculator. See e.g. Paragraphs [0015]-[0016]. In addition, hall discloses that such applications may be downloaded to a mobile phone. See e.g. Paragraph [0019]. However, Hall fails to disclose configuration information that includes settings for communications applications...The other references, Larkin and Duncan, do not cure the defect relating to Hall's failure to disclose configuration information of a mobile phone."

For support from the specification, the Applicant cites paragraphs [0074]-[0075], [0097], and [0101]-[0105]. (refer to pg.8 of the Amendment filed on 01/28/2009). The Applicant explains,

"Applicant's specification details the process of configuring particular communications settings needed for new services such as MMS, photo sharing, tribes, games, and contact services...It is explained that the mobile phone may need to have certain data configured, such as WAP, MMS, operator, emailing and management settings...operators may need to enter the operator-specific settings for items such as ISP, WAP, gateway, MMS etc...As such, the present invention provides the solution of over the air configuration (OTA) technology which will configure the mobile phone settings in a single keystroke. Through the use of a personalized webpage, an user may access and change such settings of his or her mobile phone communications applications..."

Furthermore, the Applicant argues,

"Larkins merely discloses a website that allows a subscriber to update a service plan relating to billing information and authentication information..." (refer to second paragraph of pg.10 of the Amendment file don 01/28/2009)

In response:

Independent claim 1 recites, “a method...transmitting a first message...message comprising configuration information...wherein the configuration information includes at least one setting of a mobile phone communications application”

Independent claim 12 recites, “transmitting...at least some of the user profile and preferences data to the service provider...wherein the data includes at least one setting of a mobile phone communications application”.

Independent claim 4 recites, “a method...display a first web page on a mobile phone, the first web page displaying the mobile phone’s configuration information...wherein the configuration information includes at least one setting of a mobile phone communications application”.

Independent claim 5 recites, “a system...an image of said mobile phone and configuration information pertaining to the mobile phone presentable at said home page, wherein the configuration information includes at least one setting of a mobile phone communications application”.

First, the Examiner points out that while claims 1 and 12 claim wherein the message or data transmitted to the mobile phone includes at least one setting of mobile phone communications application (which the Applicant has further explained in the remarks as operator-specific settings for items such as ISP, WAP, gateway, MMS, etc...), claims 4 and 5 claim that these settings are displayed on the web page. As explained by the Applicant, these are operator-specific messages (see above). The specification further discloses that the user subscribes or selects the desired services from the web page (Applicant, [0074]-[0075]. Also refer to description of Service - [0124]-[0132]). It is clear from the disclosure that the web page does not display the operator-specific messages as claimed by the Applicant in claims 4 and 5. The web page merely discloses that the web page is used to select or de-select desired services and/or applications, which is analogous to the prior arts cited as explained below. Therefore, the broadest reasonable interpretation of the claim language, in view of the specification, leads to the conclusion that the prior arts read on the claimed invention.

Hall discloses a method and system whereby a mobile phone user can select one or more preferences for the mobile phone from a simulated mobile phone display on a web page (see Abstract). Contrary to the Applicant's assertion that "Hall merely discloses a web page that includes a virtual display which simulates the display of a real mobile phone so that an user may configure the phone's display to show a feature, such as a clock, calendar, and/or a calculator" (refer to the above citation), Hall discloses that "a mobile phone user can select one or more service preferences for the mobile phone from a simulated mobile phone display on an Internet web page...the user can readily obtain the services desired, and also customize the display and "look and feel" of the mobile phone" (Hall, [0006], [0013]), wherein "users can readily access the www to view and select the services they desire to use on their mobile phones" (Hall, [0008]). Hall further discloses that users can select or deselect from the web page, applications and/or services for the user's mobile phone (Hall, [0016]).

Larkins further discloses a system wherein a user logs onto a web page to select from a plurality of radiotelephone services and features and registers online for activating and setup of radiotelephone services, over the internet. The over-the-air function collects data from the user and various components of the system and then transmits the data to the radiotelephone so that the radiotelephone is reprogrammed its own registers with the appropriate data (Larkins, Abstract). The invention is disclosed in further detail in at least col.1 ln.29-55, col.4 ln.31-col.5 ln.27 and col.5 ln.55-65. Also refer to figures for examples.

Second, regarding claims 1 and 12, both Hall and Larkins disclose that the settings/configurations/profiles are transmitted to the mobile phone so that the it is reprogrammed its own registers with the appropriate data (Hall, [0006]-[0008], [0013], [0018],)

(Larkings, Abstract, col.1 ln.29-55, col.4 ln.31-col.5 ln.27 and col.5 ln.55-65). The user selects/deselects services desired from the web page (at least shown in fig.5 of Larkins) and the phone is configured accordingly.

The prior arts cited by the Examiner teaches the invention as claimed.

The Applicant argues,

"Hall clearly limits itself to the situation where an "user can access the web page from a personal or business *computer*". See Hall's [0013] and Abstract. Hall does not disclose the use of mobile phones to access web pages." (refer to last two paragraphs of pg.9 of the Amendment filed on 01/28/2009)

In response:

Hall discloses that it was known at the time the invention was made that the mobile phones were capable of accessing and navigating through web sites (Hall, paragraph [0005], "smartphone". "Smartphone" refer to mobile phones offering advanced capabilities with PC-like functionalities, including web browsing.). Hall discloses that the invention is suggested to overcome the problem of "inconsistent and inconvenient ways" existing mobile systems access the configuration information and that the existing mobile phone do not provide adequate viewing capabilities when trying to alter the "look and feel" of the mobile phone (Hall, paragraph [0005]). Then Hall further goes on to describe the capabilities of a mobile phone as a "wireless computer with telephone capabilities" (Hall, paragraph [0018]). Also refer to Abstract ln.1~4, paragraphs [0016], [0017] – [0019], where Hall discloses that a user can select one or more preferences for the mobile phone from a web page associated with the mobile phone, which includes a simulated display of the phone.)

Furthermore, Larkins also discloses a system and method of setup of a new subscriber for radiotelephone services via the internet, where the web page is viewable via the radiotelephone (at least in Larkins, col.2 ln.25-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hall with those of Larkins to provide access to a web site via the mobile phone as taught by Larkins. One would have been motivated to do so to allow the user a more enhanced experience of mobility.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD J. KIM whose telephone number is (571)270-3228. The examiner can normally be reached on Monday - Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Edward J Kim/
Examiner, Art Unit 2455

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2455